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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,110	12/24/2001	John C. Eidson	10003336	2355

7590 01/24/2006

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EXAMINER

PHAN, THANH S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/035,110

Applicant(s)

EIDSON, JOHN C.

Examiner

Thanh S. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 7-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly claimed limitation wherein the “timing signal path **separate** from the network” is not properly described in the original disclosure as filed. There are no recitations and/or drawings of a separate timing signal path.

### *Claim Rejections - 35 USC § 102*

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 7-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Holmeide [WO 01/95550 A2].

Regarding claims 1-4, Holmeide disclose a distribution system comprising: a network [computer network]; master clock having means for transferring a timing signal/pulses on a separate timing signal path [means for routing; it is separated as in different in its usage] in response to a time event [data packets] associated with the master clock and means for transferring a time stamp [TS] via a network in response to

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the time event; slave clock having means for receiving the timing signal via the timing signal path and means for receiving the time-stamp via the network and having means for adjusting a local time in the slave clock in response to the timing signal to the time stamp [abstract]. Holmeide does not explicitly labeled the means for transferring and/or receiving signal data, however these means must be presented in order for the timing signal to be received/send via the network.

Regarding claim 2, since the time signals in Holmeide's network are electronically transferred, they are in the form of pulses.

Regarding claim 3, since the clocks in Holmeide's network are synchronized and updated there must be means to perform this function(s).

Regarding claim 4, wherein the time=stamp from the master clock indicates a local time in the master clock [page 9, lines 12-14]

Regarding claim 7, Holmeide disclose wherein the means for adjusting further comprises means for determining a correction to the local time in the slave clock in response to the time-stamps [abstract; lines 5-9]. Holmeide does not explicitly labeled the means for adjusting and/or correcting the time according to the timing signal, however these means must be presented in order for the slave clock to be in synchronization with the master(s).

Regarding claim 8, Holmeide disclose the synchronization of time between the master(s) and slave clocks. The timing system within the network deprived from the timing signal source therefore it is being a continuous frequency signal.

Regarding claims 9 and 14, Holmeide disclose a wherein the timing signal comprises a continuous frequency signal and wherein the continuous frequency signal includes a distinguished pattern which is aligned to the time event [abstract]. The timing system within the network deprived from the timing signal source therefore it is being a continuous frequency signal, and the distinguished pattern is the timing signal associated to each data packed. Holmeide does not explicitly labeled the means for generating and means for adjusting signal data, however these means must be presented in order for the timing signal to be received/send via the network in order for the clocks to be in synchronization.

Regarding claim 10, Holmeide discloses a time-stamp is generated in response to the distinguished pattern, there must be means to perform this function(s).

Regarding claims 11, 12 and 13, Holmeide disclose that the time-stamp is passed onto the slave clocks, there must be means to allow the slave clock to obtain the time-stamp.

Regarding claim 15, Holmeide disclose wherein the means for adjusting further comprises means for determining a correction to the local time in the slave clock in response to the time-stamps [abstract; lines 5-9]. Holmeide does not explicitly labeled the means for adjusting and/or correcting the time according to the timing signal, however these means must be presented in order for the slave clock to be in synchronization with the master(s).

### ***Response to Arguments***

Applicant's arguments filed 11/03/05 have been fully considered but they are not persuasive. The applicant has amended the independent claim 1 to highlight a "timing signal path separate from the network" and argues that the Holmeide reference fails to disclose the limitation of the above claim. The examiner disagrees. Holmeide discloses the claimed invention, although not having explicitly numbered/labeled the timing signal path. Nevertheless, it has been explained in the rejection it would have been obvious, and necessary, to have such path(s) for the purpose of transmitting data. As stated in the rejection and acknowledge by the applicant, on page 6 last paragraph of the Remarks, Holmeide discloses a master clock/time server. Furthermore, applicant acknowledge that time stamps that are **associated** with the master clock in response to the requested packet.

For the foregoing reasons, the claims continue to be anticipated by the Holmeide reference. Accordingly, the examiner's rejection is upheld.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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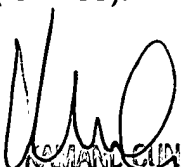
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp

  
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